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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 WEST COAST DISTRIBUTING, INC., a
Massachusetts corporation,

7 Plaintiff,

8 v.

9 AMERICAN TRANSPORT, INC., a
10 Washington corporation,

11 Defendant.

Case No. C08-5140FDB


ORDER GRANTING LEAVE TO
FILE RESPONSE

12 Defendant moves for reconsideration of the Court's Order and Judgment of Default.

13 Defendant reasserts the point that it had filed a lawsuit against Plaintiff in California, which should
14 have put Plaintiff on notice that Defendant intended to litigate Plaintiff's claims; argues that under
15 *Jones v. Flowers*, 547 U.S. 220, 233-34 (2006) the certified mail from the Secretary of State was
16 inadequate notice; and the Court should allow Defendant to introduce evidence of excusable neglect
17 because Defendant has good cause for not presenting evidence on that issue.

18 NOW, THEREFORE, IT IS ORDERED: Plaintiff West Coast Distributing is GRANTED
19 leave to file a response to Defendant's Motion for Reconsideration and shall have until Tuesday,
20 September 30, 2008 to file a response; Defendant may file a reply Thursday, October 2, 2008. This
21 matter shall be noted for consideration Friday, October 3, 2008.

22 DATED this 23rd day of September, 2008.

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25 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE